

REMARKS

This amendment is in response to the Official Action dated March 23, 2010. Claims 1 and 7 have been amended and Claim 6 has been cancelled. The application now includes Claims 1, 2, 4, 5, 7-9 and 15 with Claim 1 being the only independent claim. Favorable reconsideration, in view of the above amendments and accompanying remarks, is respectfully requested.

Attached to this Amendment is a Declaration under 37 C.F.R. 1.131 of Danny R. Milot which states that the invention, as defined in the presently pending Claims 1, 2, 4, 5, 7-9 and 15 of the instant application per this amendment, was conceived in this country prior to the November 23, 2003 filing date of the Choi U.S. Patent No. 7,165,008, coupled with due diligence from prior to said date to the filing of the present application, and that the present application and the Choi '008 patent were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. As will be discussed below, the Declaration is used to remove the Choi '008 patent as prior art relative to Claim 1.

Also, in a telephone conference with the Examiner on July 26, 2010, the Office Action dated March 23, 2010, was discussed. In particular, the rejection in paragraphs 17 and 18 was discussed. The Examiner agreed that the rejection using Applicant's admitted prior art in paragraph 17 incorrectly identified "**Applicant's specification page 1**" and should have identified Applicant's specification page 2 paragraph [0005] when referring to the term "rollover potential" as that term applies to the specification and claims of the present application. In Applicant's specification page 2 paragraph [0005], U.S. Patent Application Serial Number 10/719,968 filed November 21, 2003 is referenced. It is noted that this application is now U.S. Patent No. 7,165,008 B2 to Choi, such patent referred to in the immediate proceeding above paragraph with respect to the accompanying Declaration.

In the Official Action, the Examiner has rejected Claims 6-8 under the provisions of 35 U.S.C. 103(a) as being unpatentable over Watson (US 7057503 B2), as modified by Yeh et al. (US 6542073 B2), Clark (US 2005/0033549 A1) and Wilson

(US 2003/0058118 A1) and further in view of Applicant's admitted prior art. This rejection is respectfully traversed in light of the amendments to the claims.

In particular, Claim 1 has been amended to include the subject matter from Claim 6 which has been cancelled. As discussed above, Claim 6 was rejected in view of Watson as modified by Yeh et al, Clark, Wilson and Applicant's admitted prior art. Applicant's admitted prior art is the Choi '008 patent. As discussed above, the accompanying Declaration removes the Choi '008 patent as prior art relative to the claim. Accordingly, it is believed that Claim 1, along with dependent Claims 2, 4, 5, 7-9 and 15, are patentable over the cited references.

In paragraph 2 of the Official Action, the Examiner has rejected Claims 1, 2, 5, 9 and 15 under the provisions of 35 U.S.C. 103(a) as being unpatentable over Watson in view of Yeh et al., Clark and Wilson. This rejection is now moot in view of the above amendments to the claims and accompanying reasons.

Also, it is noted that a terminal disclaimer has been previously filed in the present application with respect to the Choi '008 patent.

In view of the above amendments and accompanying remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks and amendments place the application in condition for allowance, or if the Examiner has any comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of an action in this case by the Examiner.

Respectfully submitted,

/Douglas V. Pavelko/
Douglas V. Pavelko
Reg. No. 36,888

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900